

WHITEHEAD DECLARATION
EXHIBIT C

Bruce Scott, Jr.

December 10, 2019

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)	
FERNANDO AGUIRRE-URBINA,)	
individually and on behalf of)	
all those similarly situated,)	
)	
Plaintiffs,)	
)	No. 17-cv-05769-RJB
vs.)	
)	
THE GEO GROUP, INC., a Florida)	
corporation,)	
)	
Defendant.)	

VIDEO DEPOSITION UPON ORAL EXAMINATION OF
BRUCE A. SCOTT, JR.
AS A RULE 30(b)(6) DESIGNEE OF
THE GEO GROUP, INC.

810 Third Avenue, Suite 500
Seattle, Washington

DATE: Tuesday, December 10, 2019

REPORTED BY: Donald W. McKay, RMR, CRR, CCR 3237

1 A. After.

2 Q. And \$27.12, were there ever any other offset
3 amounts reached or discussed by GEO?

4 A. No.

5 Q. Walk me through how GEO arrived at the amount of
6 \$27.12 per hour as the offset amount.

7 A. We looked at total 2016 data, and took the total
8 participants in the Voluntary Work Program for 2016, and
9 we multiplied that by an estimated hours worked and
10 average hours worked per detainee during that time
11 period, to determine a total number of hours worked in
12 that year; and divided that by the total expenditures of
13 equipment, services, building costs, taxes, a number of
14 other factors, divided -- that equated out to the \$27.12
15 an hour.

16 Q. In 2016, what was the total number of
17 participants in the program?

18 A. I can't recall off the top of my head. I know
19 it's listed on some documentation somewhere.

20 Q. Do you have those documents with you today?

21 A. I do not.

22 Q. All right. And the estimated hours worked by
23 detainee, I believe you said was part of the formula.
24 Did I get that right?

25 A. Yes.

1 Q. What was the estimated hour or hours worked by
2 detainees used in your formula?

3 A. The estimated average hours worked by detainees,
4 I believe, was 1.72 hours.

5 Q. How was that estimate reached?

6 A. That is purely an estimate. Most Voluntary Work
7 Program assignments only last 30 minutes, sometimes not
8 even 30 minutes. We don't have time records of each
9 individual work period. It was not a requirement and is
10 not a requirement of the ICE PBNDS standards for
11 voluntary work. It's our best estimate of the number of
12 hours that each individual spent on average, working any
13 day for the Voluntary Work Program.

14 Q. What sources of information did GEO consult to
15 reach that 1.72 hours estimate?

16 A. Really just knowledge of the program, of what
17 detainees actually do in the Voluntary Work Program.

18 Q. And in estimating 1.72 hours, was it GEO's
19 intent to be accurate in its estimate?

20 MS. MELL: Object to the form.

21 THE WITNESS: As accurate as available since the
22 ICE standard, nor contract require any such
23 documentation of time spent within the Voluntary Work
24 Program.

25 BY MR. WHITEHEAD:

1 Q. Well, I guess what I'm driving at is that this
2 wasn't an arbitrary number. 1.72 hours represents GEO's
3 best estimate. Is that correct?

4 MS. MELL: Object to the form.

5 THE WITNESS: Based on available knowledge and
6 without any detailed information from the Voluntary Work
7 Program that's not required, it's our best estimate.

8 BY MR. WHITEHEAD:

9 Q. And is 1.72 hours still GEO's best estimate of
10 the average detainee shift?

11 MS. MELL: Object to the form of the question.

12 THE WITNESS: It's hard to answer. The
13 Voluntary Work Program from day-to-day is very fluid.
14 It's hard to come up with a specific set of hours. It
15 probably would not be the same from day-to-day if we
16 actually counted hours in the Voluntary Work Program.

17 BY MR. WHITEHEAD:

18 Q. Well, for purposes of deriving GEO's offset
19 amount, is GEO sticking with or changing the 1.72 hours
20 detainee shift estimate?

21 MS. MELL: Object to the form of the question.

22 THE WITNESS: Based on -- when more available
23 information is known about the -- how many detainee
24 workers or what the overall end process wants to be --
25 it's hard to know. It's a number right now. The 1.72

1 hours is our best estimate within the Voluntary Work
2 Program.

3 BY MR. WHITEHEAD:

4 Q. So that's yes, that is still GEO's estimated
5 hours for the average detainee shift?

6 MS. MELL: Object to the form of the question.

7 THE WITNESS: Based on the documentation in
8 front of me, yes.

9 BY MR. WHITEHEAD:

10 Q. Well, it's not based on the documentation in
11 front of you. Like I said at the outset, it's a
12 30(b)(6) deposition, so it's a little bit different.
13 You're speaking on behalf of the company. So my
14 question is a yes or no one. On behalf of the company,
15 is 1.72 hours still the company's estimate for the
16 average detainee shift? Yes or no.

17 MS. MELL: Object to the form of the question.
18 Move to strike.

19 And don't tell my client what to do.

20 THE WITNESS: I've answered the question. As of
21 right now, based on the documentation and the
22 information that we have, 1.72 hours is the number.

23 BY MR. WHITEHEAD:

24 Q. And then you said that the total number of
25 participants multiplied by the estimated hours worked is

1 A. I see that.

2 Q. Since September 24, 2015, can you tell me about
3 any revisions to the contract?

4 A. There has been a number of revisions to the
5 contract. I don't know how many or what those specific
6 changes were or what they changed.

7 Q. Let's look at the second page of Exhibit 356.
8 Towards the bottom there, there is a reference to,
9 "Detention bed days, guaranteed minimum beds, 1,181
10 beds/day." Do you see that?

11 MS. MELL: I object to the form. I'm not
12 following you.

13 THE WITNESS: Do you have a line item that
14 you're looking at?

15 BY MR. WHITEHEAD:

16 Q. 0001A.

17 Are you with me now?

18 A. I see that line item.

19 Q. What is the reference, "Detention bed days"?

20 A. There is a definition to a bed day on page 46,
21 which is Bates No. 096345 of that document. The
22 contract defines what the bed day is.

23 Q. And the bed day, does that form the basis for
24 how GEO is paid by ICE?

25 A. That's just one of a series of numbers in this

1 A. I think the owners of the contract, the ICE
2 contracting officers, may know the answer to that
3 question.

4 Q. All right. To the question, though, the bed-day
5 rate, looking at page 46 of the contract, Exhibit 356 --
6 are you on that page?

7 A. Yes.

8 Q. I'm looking at line item 6 there, the Bed-Day
9 Rate. It reads, "Bed-day rate is an all-inclusive
10 burdened rate to include all costs inclusive of direct
11 cost, indirect costs, overhead and profit necessary to
12 provide the detention and food service requirements
13 required in the PWS." Did I read that correctly?

14 MS. MELL: Object to the form.

15 THE WITNESS: The requirements described in the
16 PWS?

17 The document speaks for itself. That's what the
18 words are on the page.

19 BY MR. WHITEHEAD:

20 Q. So, that's my question, the bed-day rate, it
21 includes direct costs, the indirect costs, overhead and
22 profit.

23 A. In accordance with the ICE contract, that's the
24 definition of a bed-day rate.

25 Q. And ICE pays GEO the bed-day rate. Correct?

1 A. As one line item in a multi-line-item contract,
2 we do get paid a bed-day rate.

3 Q. To the extent that GEO seeks, as part of its
4 offset, food, hygiene, and housing costs, as part of its
5 offset, is GEO seeking to recover twice for the same
6 amounts?

7 MS. MELL: Object to the form of the question.

8 THE WITNESS: I don't know how you would
9 determine twice -- the spreadsheet is here. The numbers
10 that we determined the offset are all listed.

11 BY MR. WHITEHEAD:

12 Q. Well, looking at the spreadsheet -- and by
13 "spreadsheet," you're referring to Exhibit 355.
14 Correct?

15 A. Yes.

16 Q. Let's look at the last page, fiscal year 2016.
17 Are you with me?

18 A. Yes.

19 Q. The first line item there shows "Meals/Food
20 Expense." Do you see that?

21 A. Yes.

22 Q. Meals/food expense, is that a component of the
23 bed-day rate? Yes or no?

24 MS. MELL: Object to the form of the question.

25 THE WITNESS: Again, sir, there is various other

1 in the record and identify the answer.

2 BY MR. WHITEHEAD:

3 Q. The transcript isn't ready yet. Is it yes, no,
4 or I don't know?

5 MS. MELL: No, we're not going to do that.

6 THE WITNESS: I've already answered that
7 question, sir.

8 (Exhibit 360 marked for identification.)

9 (Discussion off the stenographic record.)

10 BY MR. WHITEHEAD:

11 Q. Mr. Scott, I've just handed you Exhibit 360.
12 What are we looking at here?

13 A. 360 is titled, "Northwest ICE Processing Center
14 Facility Financial Summaries."

15 Q. Have you seen this document before?

16 A. No.

17 Q. Do you know whether this was made by someone at
18 GEO?

19 A. Well, there is no author on this, but I
20 recognize items on this page. I would not have any
21 reason to believe it was not made by somebody at GEO.

22 Q. Looking at the top there, we see a line item for
23 Total Revenue. Do you see that?

24 A. Yes.

25 Q. What does that figure represent or those figures

1 represent? We see them on a year-by-year basis. What
2 does that line item Total Revenue represent?

3 A. It represents the total earned revenue.

4 Q. Meaning all money coming into GEO at the
5 Northwest Detention Center on its contract with ICE?

6 MS. MELL: Object to the form of the question.

7 THE WITNESS: The document speaks for itself. I
8 read earned revenue and a number of different dollar
9 amounts per year on this form.

10 BY MR. WHITEHEAD:

11 Q. Let's look toward the bottom. Do you see a
12 reference to Total Operating Expenses? Do you see that?

13 A. I see that.

14 Q. What does Total Operating Expenses refer to?

15 A. I would equate that to the line item -- the
16 individual line items right above that, in that area
17 that they total these listed line items on this page,
18 totaling the operating expenses.

19 Q. And the next line item down, Gross Margin, what
20 does that refer to?

21 A. Without doing the math on the form, it looks
22 like a formulaic entry computing a couple of different
23 data points on this form.

24 Q. I haven't done the math either, but perhaps
25 revenue minus expenses.

1 A. As a potential, but without doing the math, to
2 speak plainly --

3 Q. Fair enough.

4 We see Indirect Costs underneath Gross Margin.
5 What does that refer to?

6 A. The line item -- there is an asterisk which
7 indicates on this form a 2009 Pricing Index (sic)
8 Allocation. All I can read is what this form says.

9 Q. What about Facility Use Costs? What does that
10 mean?

11 A. Again, it's a line item on this report, Facility
12 Use Costs, with a number of dollar amounts over the
13 years.

14 Q. And then, lastly, we see Net Margin. What does
15 that mean?

16 A. There is a number of -- a number of dollar
17 amounts assigned to net margin. I again would assume
18 it's a formulaic entry on the form, computing some
19 different numbers on this page.

20 Q. Based on what you see here and what you know of
21 GEO's operations, both in your capacity as a 30(b)(6)
22 designee and associate warden, does this figure
23 represent GEO's profit on a year-by-year basis?

24 MS. MELL: Object to the form.

25 THE WITNESS: GEO is a for-profit business. I

1 would say that this indicates, in some fashion, some of
2 the profit based on the numbers that I see on this page.

3 BY MR. WHITEHEAD:

4 Q. So looking at fiscal year 2018, we see a net
5 margin of \$8,466,791. Correct?

6 A. That's what this individual page says, yes, sir.

7 Q. Was that GEO's net profit for 2018?

8 A. Based on this report that I'm reading, it was
9 the net margin for 2018. I see \$8,466,791.

10 Q. That was GEO's take-home based on what it made
11 on the contract less its expenses. Correct?

12 MS. MELL: Object.

13 THE WITNESS: That, I don't know. I'm just
14 reading what this report says.

15 BY MR. WHITEHEAD:

16 Q. Do you have any reason to believe that this
17 figure of \$8.4 million is anything other than GEO's
18 profit for the year?

19 A. I don't know everything that goes into the
20 profit in the multi-line-item contract. I can suspect
21 that it says the net margin for 2018 was \$8,466,791
22 based on this singular report.

23 Q. Well, setting aside Exhibit 360, do you know
24 GEO's profit for last year?

25 A. I do not.

1 Q. Yes, no, or I don't know, did GEO make a profit
2 for 2014?

3 MS. MELL: Object to the form.

4 THE WITNESS: Yes.

5 BY MR. WHITEHEAD:

6 Q. Yes, no, or I don't know, has GEO been
7 profitable so far this year, 2019?

8 MS. MELL: Object to the form.

9 THE WITNESS: I don't have any information to
10 speculate on that.

11 BY MR. WHITEHEAD:

12 Q. Would you be surprised if GEO did not make a
13 profit this year?

14 A. I would not like to speculate without numbers
15 and facts. Again, contract line items change, task
16 orders change. I would not like to guess at what ends
17 up happening.

18 Q. What is the Voluntary Work Program?

19 A. The Voluntary Work Program is required by the
20 contract and the ICE Performance-Based National
21 Detention Standards as a program that allows detainees
22 to perform voluntary work, earning a compensation of one
23 dollar a day, in an effort to have them help out in the
24 facility, spend time, not be idle. That's what the
25 voluntary program is.

1 Q. What are the basic job categories?

2 MS. MELL: Object to the form.

3 THE WITNESS: There are no basic job categories
4 as listed by the standard. There is a number of program
5 activities that detainees can volunteer into in various
6 parts of the facility.

7 BY MR. WHITEHEAD:

8 Q. You're referring to job activities. Isn't it
9 true that GEO creates job descriptions for the detainee
10 worker programs?

11 A. There are descriptions of the activities that
12 they can perform under that program that list what they
13 should do in that program, so they know what they're
14 doing and what they're volunteering for.

15 Q. And they're referred to as job descriptions.
16 Correct?

17 A. They have been referred to as job descriptions.
18 I think the new policy changed some terminology in that
19 and they're called work program assignments -- voluntary
20 program assignments now.

21 Q. When was that change made?

22 A. I don't know the exact date of the change, but
23 there has been a policy change.

24 Q. Well, I'll represent to you this lawsuit was
25 filed September 2017. Do you know whether the change

1 was made before or after the lawsuit?

2 A. I would say that would be after that lawsuit.

3 Q. Do you know why the change occurred?

4 A. I don't know. I'm not a policy developer for
5 GEO.

6 Q. Do detainee workers work in the kitchen?

7 A. Detainees volunteer to work in the kitchen.

8 Q. Do detainee workers work in the laundry unit?

9 A. Detainees volunteer to work in the laundry.

10 Q. Do detainee workers perform janitorial services?

11 A. Detainee workers clean portions of the facility
12 in multiple different areas. Janitorial services is a
13 broad term.

14 Q. Do detainee workers work in the barber shop?

15 A. We do have detainee workers that volunteer in
16 the barber shop.

17 Q. Do detainee workers paint?

18 A. We do have detainees that volunteer to paint.

19 Q. Now, if you were to take the detainee worker
20 labor out of the equation, how would GEO carry forward
21 its operations with respect to each of the job
22 categories we just discussed?

23 MS. MELL: Object to the form of the question.

24 THE WITNESS: I have trouble with your question.

25 Can you restate the question, please.

1 up.

2 Q. How?

3 A. If no detainees show up to the kitchen, we have
4 other available staff that could do other items like
5 clean dishes. Not work with food, because you're
6 required a food handler card to cook the food. We would
7 assign additional staff members into the kitchen or call
8 on other staff members, incur some overtime, the kitchen
9 staff, to ensure that the standards and feeding of the
10 detainees are met.

11 Q. And would that be sustainable over the long
12 haul?

13 MS. MELL: Object to the form.

14 THE WITNESS: I don't want to speculate on what
15 the long haul would be.

16 BY MR. WHITEHEAD:

17 Q. I understood, from your testimony yesterday,
18 that GEO has contingency plans in place in the event of
19 detainee worker stoppages. Did I get that right?

20 A. Yes.

21 Q. So is there a contingency plan in place in the
22 kitchen in the event that there is a long-term detainee
23 worker stoppage?

24 A. The contingency plan in place would look at many
25 variables in accordance with that, and the appropriate

1 decisions would be made as needed based on the
2 information available for that work stoppage.

3 Q. So that's yes, there is a plan?

4 A. There is a plan available.

5 Q. Tell me, what does that plan entail?

6 A. The plan entails looking at different variables
7 of an emergency situation and making an informed
8 decision based on the information provided during that
9 event.

10 Q. How long could a plan that entailed pulling GEO
11 personnel from other parts of the facility into the
12 kitchen last in the event of a long-term detainee worker
13 stoppage?

14 A. I don't want to speculate on how that -- there
15 is other options that we could look at.

16 Q. You would agree with me, though, that pulling
17 personnel from other parts of the facility into the
18 kitchen could impact the operations of other parts of
19 the facility?

20 MS. MELL: Object to the form.

21 THE WITNESS: No, sir. We would not rob posts
22 to fill another one. We would offer overtime, we would
23 seek possibly TDY staff from other facilities -- I'm
24 sorry -- seek TDY staff, temporary duty staff. There
25 are a number of options available. Speculating on the

1 potentials of anything would just be that, it would be
2 speculating and planning for potential occurrences.

3 BY MR. WHITEHEAD:

4 Q. What about in the barber shop? What if --
5 strike that.

6 In the barber shop, do or does GEO personnel cut
7 hair?

8 A. No.

9 Q. It's only the detainee workers. Correct?

10 A. We have volunteer detainee barbers that work in
11 the barber shop.

12 Q. And if the detainee workers did not cut hair,
13 who would?

14 MS. MELL: Object to the form.

15 THE WITNESS: Again, with contingency plans,
16 we've never -- as far as my knowledge, we've never had
17 that happen. There is always detainees on that
18 volunteer for activities. If one person doesn't want to
19 do it, there is usually somebody else that volunteers
20 for that activity. There is usually people on a waiting
21 list, waiting to do that.

22 BY MR. WHITEHEAD:

23 Q. But taking detainee work out of the equation,
24 what would GEO's plan be or what is GEO's plan in the
25 barber shop?

1 MS. MELL: Object to the form.

2 THE WITNESS: Again, I don't want to speculate
3 on what the overall plan would be. Are we taking
4 detainee workers out of the equation for a day or --
5 there is many different variables to determine an
6 effective solution for that occurrence.

7 BY MR. WHITEHEAD:

8 Q. Well, if you'll indulge me, assume three months.
9 What would GEO do in that scenario?

10 A. That's assuming nobody else wants to volunteer?

11 Q. Correct.

12 A. We would look at the emergency plan. We would
13 determine if there is still -- we would go to the
14 client, determine if there is still a need to perform
15 the haircuts under the standard, look at different
16 options, and an informed decision would be made based on
17 all the relevant facts and variables that were contained
18 therein. I don't want to speculate on a future event
19 and planning, because there is always many different
20 ways you can plan and overcome obstacles.

21 Q. Presumably, though, the answer would include
22 trying to pull in other GEO personnel to do the work?

23 A. I don't think we would pull in other GEO
24 personnel to perform barber duties. We would seek out
25 to the client, potentially look for a waiver of that

1 line item, of barber shop activities for three months,
2 if we knew it was going to be three months. There could
3 be other options that GEO looks at.

4 Q. In terms of the options that GEO would look at
5 in the event of a long-term volunteer worker stoppage,
6 whether it be in the kitchen or any of the other jobs,
7 would one of the considerations be looking to an outside
8 contracting agency to perform the functions that were
9 previously performed by the detainee workers?

10 MS. MELL: Object to the form.

11 THE WITNESS: That could be one of many options
12 that were weighed.

13 MR. WHITEHEAD: Lane, can I see your 314.

14 MR. POLOZOLA: 314.

15 MR. WHITEHEAD: Yes, please.

16 Joan, I'm happy to print off another copy, if
17 you'd like. But Exhibit 314 is the Volunteer Work
18 Program Agreement. This is a copy of it. May I show
19 the witness or would you prefer that we print another
20 copy and check it in as another exhibit?

21 MS. MELL: I'm not sure what you're asking.
22 It's already an exhibit, you're just pulling it out of
23 your exhibit binder?

24 MR. WHITEHEAD: Because we don't have the -- the
25 court reporters did not bring the previous exhibits --

1 contribution in maintaining the Northwest Detention
2 Center?

3 A. Detainees often take very much pride in the work
4 that they do. This is just a way of thanking them for
5 volunteering and working inside the facility, that is on
6 a voluntary basis.

7 Q. And it's an important part of the facility's
8 operations. Correct?

9 A. It covers a number of required standards in the
10 ICE contract and standards. Cleanliness is an important
11 role in any facility, and detainees take great pride in
12 living in a clean facility.

13 Q. Do they play an important role in keeping the
14 Northwest Detention Center clean?

15 A. They're one of many roles that assist in that,
16 but -- again, I can read the sentence. I don't want to
17 read outside the sentence. The sentence says, "We thank
18 you for your important contributions to maintaining this
19 facility." We appreciate the voluntary activities that
20 they do to keep themselves from not being idle and doing
21 the great work that they do.

22 Q. Is it true that GEO assigns detainee workers to
23 individual work details?

24 A. No.

25 Q. How does that work?

1 A. Detainees volunteer for the work program
2 assignment that they would like to perform.

3 Q. And then GEO approves or not the work
4 assignment. Is that fair to say?

5 A. The only approval process that comes in, whether
6 or not a detainee, in accordance with the standards, can
7 perform a certain work detail. There are certain
8 standards that do not permit detainees into certain work
9 program assignments. But otherwise, we do not
10 discriminate in any reason, race, disability, sex, age,
11 religious preference, sexual preference, into that
12 program assignment.

13 Q. GEO sets the schedule for detainee workers.
14 Correct?

15 A. The schedule is set on a number of items, not
16 only GEO, but the healthcare department, healthcare
17 requirements, healthcare schedules, what they're doing
18 at a certain time. There is other variables that play
19 into effect with a daily work schedule. Some detainees
20 cannot be commingled with other detainees in accordance
21 with the standard. So it's an ebb and flow of when
22 detainees can work, based on standard requirements, to
23 make sure that we don't violate any other portion of the
24 standards.

25 Q. I understand that aspect of your testimony. My

1 question is a little bit different. It's not so much
2 how the schedule is created, but whether GEO sets the
3 schedule. Does GEO set the work schedule for the
4 detainee workers?

5 A. The schedules are set based on need, with all
6 the other parameters, to ensure that we can have
7 detainees where they're allowed to be at certain times
8 of the day.

9 Q. And it's GEO that does that. Correct?

10 A. We may write the schedule based on information
11 from a lot of different things; courts, asylum cases,
12 facility movement schedule, classification levels, many
13 different variables.

14 Q. But in each of those scenarios, it's GEO that
15 writes the schedule. Correct?

16 A. The master facility program schedule and the
17 hours of work, we write.

18 Q. And GEO provides detainees with training
19 necessary to do their work assignments within the worker
20 program. Correct?

21 MS. MELL: Object to the form.

22 THE WITNESS: Yes.

23 BY MR. WHITEHEAD:

24 Q. To the extent one is necessary, GEO provides
25 uniforms to the detainee workers. Correct?

1 A. Yes.

2 Q. So, in the kitchen, GEO provides those uniforms
3 to the kitchen detainee workers. Correct?

4 A. Yes. As a requirement of the ICE standard.

5 Q. And detainee workers do not have the discretion
6 to deviate from their job assignments. Correct?

7 A. When you say "deviate from their job
8 assignments" -- should they want to volunteer for
9 another program assignment?

10 Q. Well, if a detainee worker is scheduled to work
11 in the kitchen, they don't have discretion to perform
12 their kitchen functions elsewhere in the facility, for
13 example.

14 A. Well, I don't think you would want to cook food
15 elsewhere in the facility, but there are job
16 descriptions and normal things to be done in the
17 kitchen. We can't have a detainee do something outside
18 those job descriptions.

19 Q. And GEO's expectation is that the detainee
20 workers perform the tasks that are on their job
21 descriptions. Correct?

22 A. As a matter of the Voluntary Work Program, in
23 accordance with the ICE standards and ACA, yes.

24 Q. GEO supervises the detainee workers as they go
25 about their work?

1 A. Yes. The contract requires supervision of all
2 detainees while they're housed at the Northwest ICE
3 Processing Center.

4 Q. If detainee workers do not perform their job
5 satisfactorily, they can be terminated. Correct?

6 A. The standard says removal from a Voluntary Work
7 Program assignment. If a detainee say is doing an
8 unsafe act or is otherwise doing something that would
9 violate a standard or a health code, they may be removed
10 from that work program assignment.

11 Q. And GEO may initiate the process to have that
12 worker removed. Correct?

13 A. Typical removals work under the disciplinary
14 standard, which is a completely different set of
15 standards where a detainee can be removed from a work
16 program.

17 Q. Again, without talking about the ins and outs of
18 the standards, the disciplinary procedures or
19 proceedings, my question is whether GEO may initiate
20 removal proceedings against a detainee worker for doing
21 a bad job.

22 A. In accordance with the established standards,
23 yes.

24 Q. And detainee workers cannot earn more money by
25 demonstrating exceptional skill in their job role.

1 Correct?

2 A. Under the standard in the contract, offer of
3 compensation for one dollar a day.

4 Q. Everyone is paid the same, regardless of their
5 skill and experience.

6 A. Yes.

7 Q. Can detainee workers seek employment outside the
8 Northwest Detention Center?

9 A. I do not recall anything in the contract or the
10 ICE standard that would permit that.

11 Q. And GEO pays the detainee workers directly.

12 Correct?

13 MS. MELL: Object to the form.

14 THE WITNESS: GEO places a dollar a day in the
15 detainee's trust account, which the detainees have
16 access to.

17 BY MR. WHITEHEAD:

18 Q. And then GEO seeks reimbursement for that amount
19 from ICE. Correct?

20 A. Yes.

21 MR. WHITEHEAD: All right. Let's take a break.

22 THE VIDEOGRAPHER: We're now going off the
23 record. The time is 12:44 p.m.

24 (Lunch recess taken from 12:44 to 1:38.)

25 THE VIDEOGRAPHER: We're now back on the record.

1 The time is 1:38 p.m.

2

3 E X A M I N A T I O N (continued)

4 BY MR. WHITEHEAD:

5 Q. Mr. Scott, before the break, I had asked you
6 some questions about different work stoppage scenarios,
7 work stoppage on the part of detainee workers, and you
8 told me about some of the considerations or
9 contingencies that GEO had in place. Do you recall
10 having that discussion?

11 A. I remember talking about detainee work
12 stoppages.

13 Q. And if I understood you correctly -- this is not
14 to put words in your mouth -- but that you listed off
15 several options, one being overtime for existing
16 workers. Is that correct?

17 A. That could be a potential option.

18 Q. You had mentioned pulling in workers from other
19 parts of the facility. Did I get that right?

20 A. As far as overtime periods, yes.

21 Q. As well as pulling in GEO workers from other GEO
22 facilities to work at the Northwest Detention Center.
23 Did I get that right?

24 MS. MELL: Object to the form.

25 THE WITNESS: I did say that TDY options would

1 be available.

2 BY MR. WHITEHEAD:

3 Q. What does TDY stand for?

4 A. Temporary duty.

5 Q. You mentioned that a third-party contracting
6 agency would be an option. Did I get that right?

7 A. That could be an option.

8 Q. Beyond what we just discussed, are there any
9 other options or considerations that GEO would have to
10 address a detainee worker stoppage of a prolonged
11 nature?

12 MS. MELL: Object to the form.

13 THE WITNESS: Again, it would be difficult to
14 outline every potential option based on the relevant
15 information that would be with any event. The options
16 that I've listed now are the options that I can think of
17 that would be considered in any prolonged detainee work
18 stoppage.

19 BY MR. WHITEHEAD:

20 Q. You also mentioned that GEO pays the detainee
21 workers directly for their participation in the
22 Voluntary Work Program, but that ICE then reimbursed GEO
23 for the cost. Did I get that correct?

24 MS. MELL: Object to the form.

25 THE WITNESS: Yes.

1 BY MR. WHITEHEAD:

2 Q. When did that become the case, that ICE paid
3 directly and then sought reimbursement from GEO?

4 MS. MELL: Object to the form.

5 THE WITNESS: Restate it. I think you have it
6 backwards.

7 BY MR. WHITEHEAD:

8 Q. I did. I apologize.

9 Has it always been the case that GEO paid
10 directly and then sought reimbursement from ICE for the
11 Voluntary Work Program?

12 A. That's typically how it is. If that's been the
13 case since the inception of the contract, I could not
14 state that. But there has always been a line item in
15 the contract for Voluntary Work Program. Whether that
16 was paid to the detainee trust fund by GEO or through
17 another vendor that runs the detainee trust account --
18 typically, we pay the detainee trust account, and then
19 we seek reimbursement through ICE for that dollar
20 amount.

21 Q. And then, to your knowledge, has that always
22 been the sequence or was it different at some point?

23 A. I don't believe it to be different at any
24 portion, but I don't have the relevant information to
25 specify that throughout the entire term of the number of

1 contracts that we have had.

2 Q. What is GEO's policy with respect to detainee
3 worker pay in the Voluntary Work Program at the
4 Northwest Detention Center?

5 MS. MELL: Object to the form.

6 THE WITNESS: You're asking for the policy
7 number or just -- I'm not sure what you're asking, sir.

8 BY MR. WHITEHEAD:

9 Q. Well, regarding the rate of pay, what is it?

10 A. The compensation allowable under the contract is
11 one dollar per day.

12 Q. How was that rate of pay determined?

13 A. It is what's listed in the ICE PBNDs standard,
14 and there is a line item in the contract, I believe,
15 that states one dollar a day.

16 Q. Anywhere else in terms of where GEO derives its
17 understanding that detainee worker pay is a dollar a
18 day?

19 A. GEO would rely on the contract and the allocable
20 standards for that dollar amount.

21 Q. So the contract, itself, and the PBNDs are the
22 two sources. Correct?

23 A. Yes.

24 Q. Is there a specific section within the PBNDs
25 that you're thinking of?

1 Q. In reading that language, does GEO read that to
2 limit GEO to paying one dollar a day?

3 A. GEO reads this as the minimum acceptable
4 allowance within the ICE PBNDS standard is one dollar a
5 day.

6 Q. So this amount is the minimum, but it does not
7 represent a maximum.

8 MS. MELL: Object to the form.

9 THE WITNESS: I read the sentence, the
10 compensation is least one dollar per day.

11 BY MR. WHITEHEAD:

12 Q. And that phrase, "at least," what does that mean
13 within the context of this sentence?

14 MS. MELL: Object to the form.

15 THE WITNESS: In the context of -- this sentence
16 is taken in the context of the standard where there are
17 expected practices and minimum acceptable limits of
18 work. One dollar a day is the required amount in
19 accordance with the PBNDS standard.

20 BY MR. WHITEHEAD:

21 Q. And to clarify, one dollar is the minimum
22 amount. Correct?

23 MS. MELL: Object to the form.

24 THE WITNESS: The minimum amount -- as read, the
25 compensation is at least one dollar per day.

1 BY MR. WHITEHEAD:

2 Q. Has GEO ever paid more than a dollar a day to
3 detainee workers at the Northwest Detention Center?

4 A. To my knowledge, per activity, we pay one dollar
5 a day. There was an occurrence in the barber shop where
6 there was very limited hours where we may pay a detainee
7 for two activities in a day.

8 Q. And when was that in the barber shop that
9 certain barbers may have been paid more?

10 A. The barbers -- barbers in the barber shop, based
11 on some of the -- or the standard language that we
12 referred to earlier, where certain classification levels
13 can't be mixed with other classification levels, it
14 really -- not everybody can be out at the same time,
15 meaning barbers can only cut within their certain
16 classification levels, and that only -- doesn't happen
17 every day of the month. So a determination was made
18 that we would allow them to have another task when they
19 were not cutting hair; but I can't sit here and say that
20 they never did two tasks during the same day, but the
21 understanding was they would be able to cut hair and
22 then have another voluntary program work assignment,
23 earning a dollar a day, when they were not cutting hair.

24 Q. Other than what you've just described for me
25 concerning barbers in some cases working more than one

1 worker activity, can you think of another time that GEO
2 paid more than one dollar a day to a detainee worker?

3 A. My recollection I have -- another time that we
4 looked at something similar was in the kitchen where we
5 were going to offer the females a chance at working in
6 the food service department, but that wasn't an everyday
7 event. So kind of under the same premise, when they
8 were -- since it wasn't an available everyday detail,
9 they would be allowed to work in the kitchen and they
10 were allowed to have another voluntary program
11 assignment earning a dollar a day on days they weren't
12 working in the kitchen.

13 Q. Anything else?

14 A. To my knowledge, that's all I can remember at
15 this time.

16 (Exhibit 362 marked for identification.)

17 BY MR. WHITEHEAD:

18 Q. You've just been handed Exhibit 362. What are
19 we looking at here?

20 A. This is titled a Batch Listing. It seems to
21 indicate a detainee earning certain transaction amounts
22 on various days.

23 Q. Let's back up a step. What is or what are batch
24 listings?

25 A. It's just a transaction term. This batch looks

C E R T I F I C A T E